

### **REMARKS**

Applicant would like to thank the Examiner for the substantive review in this case. In the non-final Office Action dated January 16, 2009, the Office rejected claims 1, 10, 13, 17, 19 and 21. More specifically:

- Claims 10, 13, 17, 19 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention;
- Claims 1, 10, 13 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 741,896 (Eddy);
- Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Eddy in view of U.S. Patent No. 1,069,069 (Kober) or U.S. Patent No. 1,315,702 (Bridges); and
- Claim 21 was objected to as being dependent upon a rejected base claim, but otherwise would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1, 17 and 19 have been amended. Independent claim 1 has been amended to incorporate the subject matter for originally filed claims 10, 13 and 21. Claims 17 and 19 were amended to correct dependency issues caused by the cancellation of claims as well as to correct minor informalities. Claims 10, 13 and 21 have been cancelled. Claims 2, 3, 7, 8, 24, 26, 27, 31, 34, 35, 38-40, 43 and 46 remain withdrawn. Accordingly, no new matter has been added as a result of these amendments.

Upon entry of these amendments, claims 1-3, 7, 8, 17, 19, 24, 26, 27, 31, 34, 35, 38-40, 43 and 46 will remain pending. For the reasons set forth hereinbelow, Applicant requests that the §§ 102(b), 103(a) and 112 rejections and objections associated with the pending claims be withdrawn.

#### **35 U.S.C. § 112, Second Paragraph Rejections**

Claims 10, 13, 17, 19 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 10, 13 and 21 have been cancelled. Claim 17 was rejected as being dependent upon a rejected base claim, which has been cancelled. Claim 19 was rejected as being unclear for the use of the phrase “guide means.” Claim 19 has been amended

to reword the phrase “guide means” as “guides”. For at least these reasons, claims 17 and 19 particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Accordingly, Applicant requests that the rejection of claims 17 and 19 under § 112, second paragraph, be withdrawn.

**Claims 1, 17 and 19**

As indicated by the Examiner on page 5 of the Office Action, claim 21 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims (i.e., claims 10 and 13). Independent claim 1 has been amended herein to include the limitations of claim 21 as well as the limitations of claims 10 and 13. As indicated by the Examiner, by the inclusion of the limitations of claim 21 and intervening claims 10 and 13, claim 1 is allowable over the prior art of record.

Accordingly, for at least this reason, the Examiner is requested to withdraw the rejection of claim 1 under 35 U.S.C. § 102(b). Additionally, the Examiner is requested to consider entering withdrawn claims 2, 3, 7, 8, 24, 26, 27, and 31, each of which depend from and incorporate the limitations of allowable generic claim 1. These claims were withdrawn as the result of a species restriction. However, the withdrawn claims have a corresponding technical or allowable feature as they all depend, either directly or indirectly, from allowable claim 1.

By this amendment and response, Applicant does not admit, nor does Applicant waive the right to argue against the Office’s rejections of the originally presented claims. Applicant expressly reserves the right to present additional arguments directed toward the rejection of the originally filed claims in one or more divisional, continuation, or continuation-in-part applications at a later date.

All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicant respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections and objections. There being no other rejections or objections, Applicant respectfully requests that the current application be allowed and passed to issue.

### AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,  
Pepper Hamilton LLP



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